

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re *Ex Parte* Application of Porsche
Automobil Holding SE for an Order Pursuant
to 28 U.S.C. § 1782 Granting Leave to Obtain
Discovery for Use in Foreign Proceedings.

Case No. 1:15-mc-00417 (LAK)

**DECLARATION OF JIM ECKERT
IN SUPPORT OF MOTION TO VACATE § 1782 ORDER AND FOR OTHER RELIEF**

JIM ECKERT declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am the Chief Operating Officer of Tremblant Capital Group, and I respectfully submit this declaration in support of the motion by Tremblant Capital Group together with other respondents, to vacate the § 1782 order entered by the Court on December 29, 2015 (the “Order”), and for other relief including quashing of the subpoenas duces tecum and ad testificandum served on various Tremblant Entities on December 30, 2015 (the “Subpoenas”).

2. Tremblant Capital LP (d/b/a Tremblant Capital Group) is a Delaware limited partnership that serves as investment manager to, and acts as agent for, inter alia, Tremblant Concentrated Fund LP, a Delaware limited partnership, Tremblant Concentrated Master Fund LP, a Cayman Islands exempted limited partnership, Tremblant Partners LP, a Cayman Islands exempted limited partnership, Tremblant Partners Master Fund LP, a Cayman Islands exempted limited partnership. Tremblant SC Capital LP was a Delaware limited partnership that served as investment manager to, and acted as agent for, Tremblant Super Concentrated Fund Ltd., a Cayman Islands exempted limited partnership. Tremblant-Trident Capital LP was a Delaware

limited partnership that served as investment manager to, and acted as agent for, inter alia, Tremblant-Trident Partners LP, a Delaware limited partnership, and Tremblant-Trident Partners Ltd., a Cayman Islands exempted limited partnership. Tremblant Concentrated Fund LP, Tremblant Concentrated Master Fund LP, Tremblant Partners LP, Tremblant Partners Master Fund LP, Tremblant Super Concentrated Fund Ltd., Tremblant-Trident Partners LP, and Tremblant-Trident Partners Ltd. are plaintiffs in a proceeding that is currently pending against Porsche Automobil Holding SE (“Porsche”) in the Regional Court of Hanover under the caption *Effecten-Spiegel AG v. Porsche Automobil Holding SE*, Dkt. No. 18 O 175/15 (the “German Action”). I will refer to the foregoing Tremblant entities that are plaintiffs in the German Action as the “Tremblant Funds.” The Tremblant Funds are hedge funds organized as pooled private investment funds.

3. Tremblant Holdings LLC is a Delaware limited liability company that serves as the general partner of Tremblant Partners LP, Tremblant Concentrated Fund LP, Tremblant Partners Master Fund LP, and Tremblant Concentrated Master Fund LP. The managing member of Tremblant Holdings LLC is Brett Barakett. Tremblant-Trident Holdings LLC was a Delaware limited liability company that served as the general partner of Tremblant-Trident Partners LP and Tremblant-Trident Partners Ltd.. Tremblant SC Holdings LLC was a Delaware limited liability company that served as general partner of Tremblant Super Concentrated Fund Ltd.

4. The business office of all of the Tremblant Entities is 767 Fifth Avenue, New York, NY 10153. All the Tremblant Entities share the same document management system, computer file server, email archiving system, computer network, and essential personnel.

I declare under penalty of perjury that the foregoing is true and correct, this 22nd day of January, 2016. Executed in New York, New York.



Jim Eckert
Chief Operating Officer